

Application No. 10/698,760
Reply to Office Action dated October 1, 2004

REMARKS

Applicants have carefully reviewed the Office Action dated October 1, 2004, regarding the above-referenced patent application. Claims 1-57 are pending in the application, wherein claims 1-37, 44 and 49-57 are withdrawn from consideration as being drawn to a nonelected species. The Examiner has rejected claims 38-43 and 45-48. Claim 38 has been amended with this Amendment. Favorable consideration of the above amendment and following remarks is respectfully requested.

Claims 38-43 and 45-48 stand rejected under 35 U.S.C. §102(e) as being anticipated by Palmer et al., U.S. Patent No. 6,660,021 (hereinafter Palmer). Applicants respectfully traverse this rejection. Claim 38 has been amended to more clearly describe the invention. Specifically, claim 38 has been amended to state that the filter basket is operatively coupled to the distal section of the elongated member at a plurality of locations. Support for this amendment may be found, for example, in Fig. 7.

Applicants respectfully assert Palmer at least fails to teach this limitation of the claimed invention. As can be seen from the Figures of Palmer, the elongated member 30 terminates at the proximal end of the snare device 20. Therefore, the snare device 20 is necessarily only coupled to the elongated member 30 at a single location, i.e., at the distal end of elongated member 30. (See also, col. 7, lines 35-37). This is simply not what is claimed in the present invention. Similarly, the protective devices of Figs. 29-30 include an elongate member 702 which terminates at the proximal end of the protection device 700 at pivot 750. As shown in Fig. 29, the protection device 700 may include a support member 710 extending through the protection device 700. However, the support member 710 is a portion of the protection device 700 and not the elongate member 702. (See, col. 17, lines 38-42). For example, Palmer states "the protection device 700 can completely lack the support member." (col., 17, lines 50-51). Therefore, it is clear that the support member 710 is a part of the protection device, and not the elongate member 702. Therefore, the protection device 700 is not operatively coupled to the distal section of the elongated member at a plurality of locations, as currently claimed. The protection device 700 is only coupled to the elongate member 702 at pivot 750. For at least this reason, Palmer fails to teach the claimed invention.

Application No. 10/698,760

Reply to Office Action dated October 1, 2004

A filter basket operatively coupled to the distal section of the elongated member at a plurality of locations may be beneficial during a medical procedure. For example, the filter basket operatively coupled to the elongated member at a plurality of locations may enhance control of the filter basket for optimum placement within a vessel. Additionally, the ability of the filter basket to collapse or be compressed into a delivery position may be improved by operatively coupling the filter basket to the elongated member at a plurality of locations. The protection device of Palmer fails to provide benefits of the present invention, such as those disclosed above.

Applicants assert that Palmer fails to teach each and every element of the claimed invention. Applicants assert that claim 38 is now in condition for allowance for at least the reasons stated above. Claims 39-43 and 45-48 depend from claim 38 and add significant additional elements; therefore, they are also believed to be in condition for allowance.

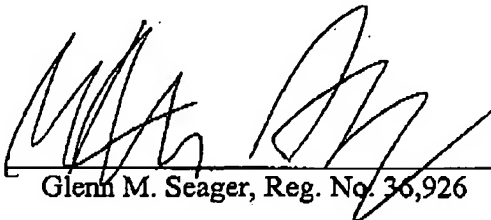
Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

JAMES KELLETT et al

By their attorney,

Date:

Nov. 24, 2004
Glenn M. Seager, Reg. No. 36,926

CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349